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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,971	10/03/2003	George G. Mueller	CKB-112.01	7302

25181 7590 09/20/2005

FOLEY HOAG, LLP
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EXAMINER

TRAN, CHUC

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/678,971		MUELLER ET AL.	
	Examiner		Art Unit	
	Chuc D. Tran		2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-116 and 120-234 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-116 and 120-234 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/17/04, 10/25/04, 2/14/05, 3/28/05, 8/29/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

This is a response to the Applicant's restriction/election submitted on Jun 17, 2005. In virtue of this restriction/election, claims 1-3, 117-119 and 235-238 are cancelled; and thus, claims 4-116 and 120-234 are now remaining active in the instant application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4-26, 35-116, 120-142, and 151-234 are rejected under 35 U.S.C. 102(b) as being anticipated by Ryczek (USP. 5,471,052).

Regarding claims 4-6, 8-26, 35-45, 49-63, and 73-74, 83-108, Ryczek disclose a lighting system comprising:

- a modular conduit (34) for receiving illumination from a light (Fig. 1); and
- a light engine, wherein the light engine comprises a light source comprise an LEDs of different colors (4A, 4B, 4C) and a controller (18) is processor (Fig. 2).

Regarding claim 7, 46-48, 64-72, 75-82, 163-165, 180-225 Ryczek disclose that the controller includes an interface connected to the communication networking (Col. 9, Line 48).

Regarding claims 109-116 and 226-234, Ryczek disclose that a first element lit by color changing illumination from a light engine having a controller and at least one LED (Fig. 1); and

- a second element lit by color element lit by color changing illumination from a light

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engine having a controller and at least one LED (Fig. 2); wherein the first element is placed in viewing proximity to the second element to produce illumination effects that represent the combination of the two elements (Col. 4, Line 25).

Regarding claims 120-142 and 151-162, 166-179, Ryczek disclose a method of providing a light system in Fig. 1 and 2 comprising:

- a modular conduit (34) for receiving illumination from a light (Fig. 1); and
- a light engine, wherein the light engine comprises a light source comprise an LEDs of different colors (4A, 4B, 4C) and a controller (18) is processor (Fig. 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27-34 and 143-150 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryczek.

Regarding claims 27-34 and 143-150, Ryczek disclose a lighting system as set forth in the claims except the conduit is filled with a fluid, gas, vapor for transmitting of reflecting light. Thus, it would have been obvious to one of ordinary skill in the art to modify Ryczek by using the conduit is filled with a fluid, gas, vapor for transmitting of reflecting light. The ordinary artisan would have been motivated to modify Ryczek in the manner described above for reflecting and transmitting the light in order to make the light with a specific set of colors and hue (See Col. 10, Line 7). It matter of obvious of design choice.

Citation of relevant Prior Art

Prior art Loughrey (USP. 20020105285) disclose variable output single constant source light fixture.

Prior art Jung et al (USP. 5,745,229) disclose apparatus for determining optical characteristics of an object.

Prior art Haines et al (USP. 6,689,999) disclose illumination apparatus utilizing light emitting diodes.

Prior art Scheibe (USP. 6,639,574) disclose light emitting diode display.

Prior art Fuentes (USP. 6,834,395) disclose high visibility safety garment.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuc D. Tran whose telephone number is (571) 272-1829. The examiner can normally be reached on M-F Flex hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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TC
Sept 14, 2005

WILSON LEE
PRIMARY EXAMINER

A handwritten signature in cursive script, appearing to read 'Wilson Lee', written in black ink.

WILSON LEE
PRIMARY EXAMINER